UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,820	09/17/2003	Gus Lopez	249768011US1	3436

25096	7590	03/08/2007

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
AIRAPETIAN, MILA

ART UNIT	PAPER NUMBER
3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,62,65,66 and 68-71* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,62,65,66 and 68-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Applicant's amendment received on 12/08/2006 is acknowledged and entered.

The applicant has amended claims 1, 62 and 68. Currently, claims 1, 3-10, 62, 65, 66,

68-71 are pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 6, 8, 9, 62, 65, 66 and 68-71 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Fisher (US 6,411,960) in view of Walker et al.

(hereinafter Walker) (US 6,415,264).

Claim 1. Fisher teaches a method of generating an information page in a

computer system comprising:

providing an item classification/attribute mapping data structure that maps item

classifications to attributes, each item classification mapping to a set of

attributes specific to that item classification (col. 4, lines 55-67; col. 5, lines 1-15),

receiving a selection of an item classification (col. 9, lines 56-57);

identifying the set of attributes specific to the selected item classification by

retrieving the set of attributes from the item classification/attribute mapping

data structure col. 11, lines 1-8),

providing a display of an indication of the identified attributes (col. 11,lines 1-8),

However Fisher does not teach:

receiving an input value for at least one attribute within the set of identified

attributes from the user's computer system;

retrieving records of transactions for items that are classified within the selected

item classification and that match the received input value of the one or

more identified attributes,

analyzing the retrieved records to generate transaction price data for the item;

and

sending to the user's computer system the generated transaction price data as a

suggested bid price in an auction.

Walker teaches a method for determining a posting payment amount including

receiving an input value for at least one attribute within the set of identified

attributes from the user's computer system ((col. 3, lines 63-64) "*posting site device

determines, based on the received information, a posting payment amount*" indicates

receiving an input value from the user; col. 7, lines 30-40);

retrieving records of transactions for items that are classified within the selected

item classification and that match the received input value of the one or

more identified attributes (col. 7, lines 1-19), and

analyzing the retrieved records to generate transaction price data for the item (col. 7, lines 15-19); and

sending to the user's computer system the generated transaction price data as a suggested bid price in an auction (col. 8, lines 13-16; communication between the posting site and the seller indicates that the user receiving the transaction price data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher to include retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes; analyzing the retrieved records to generate transaction price data for the item; and sending to the user's computer system the generated transaction price data as a suggested bid price in an auction, as disclosed in Walker, because it would encourage a seller to post an item for sale, especially at a reasonable price, so the posting site and the seller both benefit from a reasonable price (col. 2, lines 27-29; col. 8, lines 14-17).

Claim 3. Walker teaches said method wherein the records of transactions include records for both fixed-price sale and auction transactions (col. 10, lines 2-3).

Claim 6. Fisher teaches said method wherein the receiving of the selection of an item classification includes browsing through a browse category organization (col. 4, lines 6-10).

Claim 8. Fisher teaches said method wherein the receiving of the selection of

an item classification includes browsing through an item classification organization (col. 4, lines 6-10).

Claim 9. Fisher appears to teach said method wherein the selected item classification is not a leaf classification of an item classification hierarchy.

Claim 62. Fisher teaches a method of generating an information page in a computer system comprising:

providing an item classification/attribute mapping data structure that maps item classifications to attributes, each item classification mapping to a set of attributes specific to that item classification (col. 4, lines 55-67; col. 5, lines 1-15),

receiving from a user's computer system a selection of an item classification based on a mapping of the selected item classification to an identified attribute associated with the selected item classification, providing to the user's computer system an indication of the identified attribute (col. 9, lines 56-57), col. 10, lines 19-24;

Fisher does not teach specifically teach that the identified attribute is a condition attribute.

Walker teaches a method for determining a posting payment wherein an attributes is a condition attribute (col. 3, lines 59).

Fisher also does not teach:

receiving from the user's computer system a specification of an identified attribute value associated with the item;

retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value, and

analyzing the retrieved records to generate transaction price data for the item; and

sending to the user's computer system the generated transaction price data as a suggested bid price in an auction.

Walker teach said method including receiving from the user's computer system a specification of an identified attribute value associated with the item ((col. 3, lines 63-64) "*posting site device determines, based on the received information, a posting payment amount*" indicates receiving an input value from the user; col. 7, lines 30-40);

retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value (col. 7, lines 1-19), and

analyzing the retrieved records to generate transaction price data for the item (col. 7, lines 1-19); and

sending to the user's computer system the generated transaction price data as a suggested bid price in an auction (col. 8, lines 13-16; communication between the posting site and the seller indicates that the user receiving the transaction price data).

It would have been obvious to one or ordinary skill in the art at the time the invention was made to modify Fisher to include retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value; analyzing the retrieved records to generate transaction price data for the item; and sending to the user's computer system the generated transaction price data as a suggested bid price in an auction, as disclosed in Walker, because it

would encourage a seller to post an item for sale, especially at a reasonable price, so

the posting site and the seller both benefit from a reasonable price (col. 2, lines 27-29).

Claim 65. Walker teaches said method wherein the item is not new (col. 3, lines

49-50).

Claim 66. Walker teaches said method wherein the item is used (col. 3, lines 49-

50).

Claim 68. All of the limitations in claim 68 are closely parallel to the limitations of

claim 62, analyzed above and are rejected on the same basis.

Claim 69. Walker teaches said method wherein the specified condition value is

excellent (col. 7, lines 34).

Claim 70. Walker teaches said method wherein the specified condition value is

fair (col. 7, lines 34).

Claim 71.The method of claim 68 wherein the specified condition value is good

(col. 7, lines 34).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Fisher and Walker, as applied to claim 1 above, and further in

view of Mori et al. (hereinafter Mori) (US, 6,044,363).

Claim 4. The combination of Fisher and Walker teaches all the limitations of

claim 4 except one of the attributes within the set of attributes relates to duration of a

transaction.

Mori teaches a method for automatic auction wherein the product attribute

includes the time limit for auction and scheduled auction end time (col. 5, lines 66-67;

col. 6, lines 1-6).

It would have obvious to one of ordinary skill in the art at the time the invention

was made to modify Fisher and Walker to include one of the attributes within the set of

attributes relates to duration of a transaction, as disclosed in Mori, because auction

timing can be important to the seller's strategy when a seller wants to auction items

before an end of a seasonal quarter (e.g. summer clothes), or before a holiday (e.g.,

Halloween costumes).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Fisher and Walker, as applied to claim 1 above, and further in

view of Ching (US 6,078,901).

Claim 5. The combination of Fisher and Walker teaches all the limitations of

claim 5 including receiving a specification of attributes, except that said received

attributes are to be served as x and y coordinates for a graph of the transaction price

data.

Ching teaches a method for modeling prices in supply and demand environment

wherein the obtained data is presented in a graph format (Figs. 5, 17).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Fisher, Walker and Ching to that said received data

(attributes) are presented in graph format, as disclosed in Ching, because it would advantageously simplify the understanding of said received data.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Boesjes (US 6,799,165).

Claim 7. The combination of Fisher and Walker teaches all the limitations of claim 7 except said method wherein the receiving of the selection of an item classification includes receiving a specification of keywords and identifying an item classification that matches the specified keywords.

Boesjes teaches a method for inventory, sale, and delivery of goods wherein the shopper may select a product category and enter keywords and other search parameters (col. 8, lines 51-52).

The motivation to combine Fisher, Walker and Boesjes would be to simplify a search for required data.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Odom et al. (hereinafter Odom) (US 6,393,426).

Claim 10. The combination of Fisher and Walker teaches all the limitations of claim 10 except the selected item classification is within a non-hierarchical item classification organization.

Odom teaches a method for modeling, storing and transferring data wherein data items are organized in a non-hierarchical form (col. 6, lines 1-26).

It would have obvious to one or ordinary skill in the art at the time the invention was made to modify Fisher and Walker to include the selected item classification is within a non-hierarchical item classification organization, as disclosed in Odom, because in a non-hierarchical organization all data coexist in parallel together, at once completely distinguishable and separately accessible, yet at the same time totally aware of and sequentially relatable to all other data items to which they are related (col. 6, lines 33-37).

Response to Arguments

In response to Applicant's argument that the prior art does not teach sending to the user's computer system the generated transaction price data as a suggested bid price in an auction, it is noted that Walker was applied for this feature. Specifically, Walker teaches estimating the value of the item based on sales during the past year for the item (col. 7, lines 16-19) and conveying that information to the seller/user (col. 8, lines 13-16; communication between the posting site and the seller indicates receiving said information by the seller/user).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MA

MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600